

**REMARKS**

An Office Action was mailed on January 25, 2005. Claims 1- 8 are currently pending in the application.

**REJECTION UNDER 35 U.S.C. §§ 102, 103**

Claim 4 is rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent Publication JPO 6-303288 to Hisayoshi et al. Claims 1 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hisayoshi in view of U.S. Patent No. 5,519,867 to Moeller et al., and claims 2, 3, and 5 – 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hisayoshi in view of Moeller and commonly-understood prior art.

In an earlier Response to Office Action mailed October 20, 2003, Applicants the following arguments:

In a Response to Office Action of April 16, 2003, Applicants made the following arguments.

Hisayoshi discloses an OSI interface apparatus for translating CMIP operations into internal commands and performing racing control while treating the commands as command groups. Unlike Applicants' claimed invention, Hisayoshi fails to disclose or otherwise suggest racing control based on determining whether or not managed object instances of current and newly-requested operations are the same.

In the apparatus disclosed by Hisayoshi, racing control is performed by translating CMIP operations into internal commands including command identification information, such that the racing control is performed between command groups to which the internal commands belong. As a result, increased processing is required for translating operations into internal commands. This approach provides a rather coarse degree of racing control.

In sharp contrast, Applicants' claimed method and system performs racing control in units of smallest instance, thereby providing a much finer degree of racing control.

The Examiner acknowledges that Hisayoshi fails to teach or suggest the use of managed object instances in units of smallest instance, but suggests that Moeller defines objects as an instance of class and discloses subclasses of parent classes, thereby making it obvious to apply objects of smallest

instance to the teachings of Hisayoshi. However, even if Moeller discloses that classes may be hierarchically structured to include subclasses, the combination of Hisayoshi and Moeller does not teach or suggest performing race control between CMIP operations in units of instance. In sharp contrast, by performing analysis of command groups, Hisayoshi suggests a non-restriction advantage to processing at the group level rather than at the command level (see, e.g., paragraph 0034 of Hisayoshi).

In the Office Action of June 19, the Examiner acknowledges Applicants' argument that Hisayoshi and Moeller fail to teach or suggest performing race control between CMIP operations in units of instance, and rebuts this argument by suggesting that Hisayoshi and Moeller in combination teach "an object-oriented access service that defines an object is an instance of some class". Applicants' respectfully disagree.

Applicants acknowledge that Moeller teaches inheritance as a mechanism for constructing subclasses. However, Moeller is silent on the issue of performing racing control, and provides no motivation for its combination with Hisayoshi to teach or suggest Applicants' claimed race control performed between CMIP operations in units of instance.

As earlier argued, Hisayoshi teaches translating CMIP operations into internal commands including command identification information, such that racing control is performed between the command groups to which the internal commands belong, rather than between commands. Notably, Hisayoshi cites a non-restriction advantage to race control at the group level rather than at the command level (see, e.g., paragraphs 0033 and 0034 of Hisayoshi). Thus, Hisayoshi teaches away from Applicants' claimed race control performed between CMIP operations in units of instance, and thus provides no motivation for being combined with Moeller to overcome this deficiency. The Examiner's stated official notice as to additional elements obvious to one skilled in the art relate to the use of decision and truth tables, and not to Applicants' claim limitation regarding race control performed between CMIP operations in units of instance.

The Examiner finds these arguments to be unpersuasive, suggesting that Applicants' claimed method for providing racing control of CMIP operations when managed object instances of current and newly-requested CMIP operations are not the same is made obvious by the combination of Hisayoshi and Moeller. Applicants respectfully disagree.

With reference, for example, to page 3, line 8 through page 4, line 15 of the specification, Applicants describe the Hisayoshi reference as teaching an OSI interface device that translates CMIP operations into commands internal to the device, including command identification information, such that racing control is performed between the command groups to which the

internal commands belong rather than between commands. As previously noted, Hisayoshi suggests an advantage to processing at the group level ("in the broad domain") rather than at the command level, for less restraint (see, e.g., paragraph 0034 of Hisayoshi). However, the translation generates additional overhead, and control is not exercised at the level of an instance of a managed object (see, e.g., page 4, lines 2 to 6 of Hisayoshi). In addition, in sharp contrast to Applicants' claimed approach, Hisayoshi fails to address a means for managing racing control between CMIP operations and operations based on other protocols (see, e.g., page 4, lines 7 - 15 of Applicants' specification). Taking advantage of developments in the standardization of managed object models, Applicants claimed approach allows finer control of CMIP operations in units of the finest instance to control racing (i.e., by avoiding translation and course assignment to command groups), while allowing for control of operations by other protocols (see, e.g., page 10, lines 21 - 36 of Applicants' specification). As suggested above, Applicant respectfully submit that, even with the addition of Moeller, the combination of Hisayoshi and Moeller fails to teach or suggest performing race control between CMIP operations and/or operations of another inherent format in units of managed object instance.

Accordingly, on this basis, Applicants submit that independent claims 1 - 5 are allowable. As claims 6 - 8 depend from allowable independent claim 5, Applicants further submit that claims 6 - 8 are allowable for at least this reason.

#### NEW CLAIMS

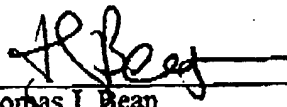
Applicants introduce new claims 9 - 11, respectively depending from allowable independent claims 1- 3, to provide further detail about the elements of Applicants' racing control system that perform the claimed method. As claims 9 - 11 depend from allowable independent claims 1 - 3, Applicants respectfully submit that claims 9 - 11 are allowable for at least this reason.

**CONCLUSION**

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 - 8, consisting of independent claims 1 - 5, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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